

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION**

<b>IN RE:</b>	§	
	§	
<b>SCOTT VINCENT VAN DYKE</b>	§	<b>CASE NO. 21-60052</b>
	§	
<b>Debtor</b>	§	<b>(Chapter 7)</b>
	§	
<b>Creditor</b>	§	
<b>CADENCE BANK</b>	§	

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**MOTION FOR RELIEF FROM AUTOMATIC STAY  
AS TO 1515 SOUTH BLVD., HOUSTON, TX, 77006**

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**NOTICE PURSUANT TO BLR 4001-1(A)(3)**

**THIS IS A MOTION FOR RELIEF FROM THE AUTOMATIC STAY. IF IT IS GRANTED, THE MOVANTS MAY ACT OUTSIDE OF THE BANKRUPTCY PROCESS. IF YOU DO NOT WANT THE STAY LIFTED, IMMEDIATELY CONTACT THE MOVING PARTY TO SETTLE. IF YOU CANNOT SETTLE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY AT LEAST 7 DAYS BEFORE THE HEARING. IF YOU CANNOT SETTLE, YOU MUST ATTEND THE HEARING. EVIDENCE MAY BE OFFERED AT THE HEARING AND THE COURT MAY RULE.**

**REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.**

**THERE WILL BE A HEARING ON THIS MATTER JUNE 21, 2022, AT 10:00 A.M. CT. IN COURTROOM 401, 4<sup>TH</sup> FLOOR, UNITED STATE BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF TEXAS, 515 RUSK AVENUE, HOUSTON, TEXAS 77002.**

CADENCE BANK, AS SUCCESSOR BY MERGER TO CADENCE BANK, N.A. AS SUCCESSOR BY MERGER TO ENCORE BANK, NATIONAL ASSOCIATION ("Movant") hereby moves this Court, pursuant to 11 U.S.C. § 362, for relief from the automatic stay with respect to certain real property of the Debtor(s) having an address of 1515 S. BLVD., Houston, Texas 77006 (the "Property"). The facts and circumstances supporting this Motion are set forth in the Affidavit in Support of Motion for Relief from Automatic Stay filed contemporaneously herewith (the "Affidavit"). In further support of this Motion, Movant respectfully states:

contemporaneously herewith (the "Affidavit"). In further support of this Motion, Movant respectfully states:

1. A petition under Chapter 11 of the United State Bankruptcy Code was filed with respect to the Debtor on May 25, 2021. The Case was later converted to a Chapter 7 by order of the Court. Catherine Stone Curtis is the duly appointed and acting Chapter 7 Trustee.

2. The Court has jurisdiction over this proceeding pursuant to 28 U.S.C. § 157, 11 U.S.C. § 362, and other applicable Code provisions.

3. The Debtor has executed and delivered or is otherwise obligated with respect to that certain promissory note in the original principal amount of \$2,250,000.00 (the "Note"). A true and correct copy of the Note is attached hereto as Exhibit "A". Movant is an entity entitled to enforce the Note and is the owner and holder of the Note. A copy of the official certification of the Comptroller of Currency for the merger of ENCORE BANK, NATIONAL ASSOCIATION, with and into CADENCE BANK, N.A. is attached hereto and incorporated herein as Exhibit "C". A copy of the Certificate of Merger Approval between CADENCE BANK, N.A. and BancorpSouth Bank, under the charter of BancorpSouth Bank and changing the name of the resulting institution to CADENCE BANK is attached hereto and incorporated herein as Exhibit "D".

4. Pursuant to that certain Home Equity Line of Credit Deed of Trust (the "Deed of Trust"), all obligations (collectively, the "Obligations") of the Debtor under and with respect to the Note and Deed of Trust are secured by the Property. A copy of the Home Equity Line of Credit Deed of Trust is attached hereto as Exhibit "B".

5. The legal description of the Property is set forth as follows:

A TRACT OR PARCEL OF LAND CONTAINING 1.0392 ACRES, MORE OR LESS KNOWN AS THE WEST ½ OF LOT SIX (6), OF BROADACRES, AN ADDITION IN HARRIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 6, PAGE 20 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS. BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½” iron pipe found marking the intersection of the East line of Mandell Street with the South line of South Boulevard (60.00 feet wide);

THENCE, East 117.15 feet along the South line of South Boulevard to a 1 ½” iron pipe found marking the Northwest corner of said Lot 6, same being the POINT OF BEGINNING of the herein described tract;

THENCE, East 156.50 feet along the South line of South Boulevard to a 1 ½” iron pipe found marking the Northeast corner of the herein described tract;

THENCE, South 00 deg. 14’ 09” West, 289.25 feet crossing Lot 6 to a 5/8” iron rod found marking the Southeast corner of the herein described tract;

THENCE, west, 156.50 feet along the South line of Lot 6 to a 3/8” iron rod found marking the Southwest corner of said Lot 6 and of the herein described tract;

THENCE, North 00 deg. 14’09” East, 289.25 feet along the West line of Lot 6 to the POINT OF BEGINNING and containing 1.0392 acres of land, more or less.

5. As of **May 20, 2022**, the outstanding Obligations are:

Unpaid Principal Balance	\$1,805,372.74
Unpaid, Accrued Interest	\$54,001.30
Costs / Other Fees	\$115,694.72
Negative Escrow	\$6,917.74
<b>Total Payoff</b>	<b>\$1,981,986.50</b>

6. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred \$850.00 in legal fees and \$176.00 in cost. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

7. The following chart sets forth the number and amount of post-petition payments due pursuant to the terms of the Note that have been missed by Debtor:

Missed Payments	Due Dates	Monthly Payment Amount	Total Amount Delinquent
10	7/22/2021 – 4/22/2022	\$22,410.31	\$224,103.10

A true and correct copy of the payment history is attached hereto and incorporated herein as Exhibit “E”.

8. The estimated value of the Property is \$6,735,016.00. The basis for such valuation is Harris County Appraisal District.

9. Debtor owes the total amount of \$284,404.02 in ad valorem taxes which also accrues penalties and interest as long as such taxes remain past due and unpaid by Debtor.

10. Cause exists for relief from the automatic stay for the following reasons:

(a) Movant's interest in the Property is not adequately protected; and

(b) Post-petition payments have not been made to Movant.

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following:

1. Relief from the stay allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.

2. That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

3. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.

4. For such other relief as the Court deems proper.

Respectfully Submitted,

**BADGER LAW, PLLC**

/s/ Travis C. Badger

Travis C. Badger

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Attorney for CADENCE BANK, AS  
SUCCESSOR BY MERGER TO CADENCE  
BANK, N.A. AS SUCCESSOR BY MERGER  
TO ENCORE BANK, NATIONAL  
ASSOCIATION

**CERTIFICATE OF CONFERENCE**

I am the attorney for the Movant in the above Motion for Relief. On May 10, 2022, I made a good faith effort to negotiate a settlement of the dispute with counsel for Debtor which produced this motion.

/s/ Travis C. Badger

Travis C. Badger

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served upon the counsel and parties of record electronically through the Court's Electronic Case Filing System on those parties with consent to such electronic service and on the parties listed below, by United States First-class mail or by electronic mail on this 27<sup>th</sup> day of May, 2022.

/s/ Travis C. Badger

Travis C. Badger

i) **Debtor**

Scott Van Dyke  
1515 South Boulevard  
Houston, TX 77006

Anglo-Dutch Energy, LLC  
c/o Scott Van Dyke  
P.O. Box 22322  
Houston, TX 77227

ii) **Debtor's Attorney**

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iii) **Trustee**

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